

April 6, 2020

Michael Carvajal
Director of Federal Bureau of Prisons (BOP)
U.S. Department of Justice
320 First Street, NW, Room 628
Washington, DC 20534

*** SENT VIA E-MAIL ***

Dear Director Carvajal:

As you know, in early March, I joined several colleagues in writing to you regarding the Bureau's preparations for the almost inevitable spread of COVID-19 within the U.S. federal prison system. You are also likely aware that the Metropolitan Detention Center (MDC Brooklyn) as well as Residential Reentry Center (RRC Brooklyn), and Metropolitan Correctional Center in Manhattan (MCC New York) are all located in my Congressional district. With more than 1,700 individuals detained at MDC Brooklyn, it is among the largest facilities in the BOP's network. It is also where one of the first cases of COVID-19 was diagnosed within the federal prison system.

Following our March letter, several members of my staff had a conversation with BOP personnel. In that conversation, BOP staff emphasized that the agency was taking sufficient steps to limit the spread of coronavirus. My staff were assured that the Bureau had enough soap and running water to meet the Centers for Disease Control's (CDC) guidelines to prevent the illness.

Since then, my staff have engaged in conversations with representatives of MDC staff, and my office has been apprised of disconcerting developments. As you know, the illness is rapidly spreading at BOP's facilities. It was recently reported that, in Louisiana, for example, four individuals housed at FCI Oakdale have died from coronavirus infection.¹

I am deeply concerned that, absent swift action by the Bureau, coronavirus will continue to spread rapidly throughout the federal prison system. This presents a serious public health risk to facility staff, their families and detainees. To that end, I would respectfully request answers to the following questions:

1. It is my understanding that staff at a number of facilities, particularly MDC, have complained about lack of soap and water access. To ameliorate this problem, staff expressed interest in being able to bring alcohol-based sanitizer to work in order to reduce the risk of contamination. I understand the Bureau prohibits employees from doing so out

¹ Keegan Hamilton. 4 Inmates Dead from Coronavirus as Outbreak Spirals at Louisiana Federal Prison. April 2, 2020. VICE News. https://www.vice.com/en_us/article/m7qdvq/4-inmates-dead-from-covid-19-as-outbreak-spirals-at-louisiana-federal-prison

of concern that the substance could be misused. However, it is likely that prison employees will be unable to wash their hands constantly during their respective shifts. I am further troubled to hear that BOP employees have been told they are prohibited from bringing protective equipment, such as masks, to work. **Given these extenuating circumstances, will you consider lifting the prohibition on staff bringing personal alcohol-based sanitizers into detention facilities for use while they are working to help reduce the spread of the virus? Will you permit staff to bring masks and other appropriate protective equipment from home given ongoing shortages?**

2. I have been informed that four housing units at MDC Brooklyn have been placed under quarantine. Yet, guards and staff are being rotated regularly between quarantined and non-quarantined sections of the facility. There have been requests for further protection such as N-95 masks by guards, and particularly for quarantined areas, bodysuits. Without protective measures, I am concerned this could potentially elevate the risk of the spread of COVID-19. **Have you taken any steps to consider altering staff assignments so that staff assigned to quarantined units have minimal contact with those detained in other parts of MDC?**
3. I have received reports that guards and other staff have been sent home by the medical department at MDC after exhibiting coronavirus symptoms, like fever, only to be called back into work a few days later. This is far shorter than the CDC-recommended 14-day period. I have been further informed that decisions to call back employees into work are being made at the BOP Central Office. In addition, we have heard that employees exposed to COVID-19 both outside MDC and within the facility have been instructed to return to work, potentially elevating risk of transmission.

What guidelines is the BOP using to determine when it is safe to call staff back into work? Does the BOP have plans in place to meet staffing shortages as more employees grow ill or are exposed to COVID-19? As you are aware, New York City and many other localities are actively recruiting nurses, doctors, and other health professionals to meet growing staff shortages at hospitals and healthcare facilities. **Does BOP have, or are they developing, any parallel contingency plans to meet anticipated staff shortages?**

4. I have been informed that staff taking time off have been instructed to expend personal sick leave, rather than being allowed to use administrative time. Such practice would potentially dissuade some COVID-19-infected employees from going home. **Will BOP clarify that staff are allowed access to administrative time for coronavirus-related absences?**
5. MDC Brooklyn is a “high-traffic” facility with detainees from other parts of the prison system frequently brought in and others departing MDC for other facilities. It is my understanding that between 150 to 200 individuals are arriving or departing MDC a week. It is also my understanding that the BOP has now implemented a lockdown as of this past Tuesday. **Does the lockdown policy extend to the movement or transfer of detainees between prison facilities, or does it only require those detained to remain in their cells? If the lockdown does not suspend transfers between different facilities, is**

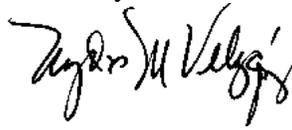
movement being limited to the most urgent cases? What criteria are being used to determine which cases would qualify?

As you know, employees at MDC Brooklyn reside in all five boroughs of New York City and New Jersey. The continued spread of COVID-19 in this facility would jeopardize not only detainee populations, but also communities in the region, thereby undermining local public health efforts to bring the virus under control.

Given the timeliness of this matter, I request answers to this inquiry no later than close of business on **Wednesday, April 8th**.

Thank you in advance for your prompt reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Nydia M. Velázquez". The signature is fluid and cursive, with the first name "Nydia" and the last name "Velázquez" clearly distinguishable.

Nydia M. Velázquez
Member of Congress